



UNITED STATES PATENT AND TRADEMARK OFFICE

193
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,800	04/18/2001	Daniel A. Japuntich	48317USA1N.033	9996
32692	7590	10/25/2004	EXAMINER	
3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427			LEWIS, AARON J	
			ART UNIT	PAPER NUMBER

3743

DATE MAILED: 10/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**SUPPLEMENTAL
Notice of Allowability**

Application No.

09/837,800

Examiner

AARON J. LEWIS

Applicant(s)

JAPUNTICH ET AL.

Art Unit

3743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/18/2004 (TELEPHONIC INTERVIEW).
2. ☒ The allowed claim(s) is/are 33-37, 50-53 and 55-88.
3. ☒ The drawings filed on 18 April 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Aaron J. Lewis
Primary Examiner

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Karl G. Hanson on 10/18/2004.

The application has been amended as follows: In claim 64, line 1, "...44..." has been deleted and -79—has been substituted therefor; in claim 80, line 1, "...76..." has been deleted and -79—has been substituted therefor.

The above amendments were made in order to correct the dependencies for each of claims 64 and 80. Claim 44 was previously cancelled and claim 76 does not provide proper antecedent basis for 'a valve cover' as recited in claim 80.

An abstract for the instant application has been inserted as follows:

ABSTRACT

--A filtering face mask that comprises a mask body that is adapted to fit over the nose and mouth of a wearer, the mask body comprising a filtration layer through which inhaled air may pass before being inhaled by a wearer of the face mask; and an exhalation valve that is attached to the mask body, the exhalation valve allowing air exhaled by a wearer to pass from an interior of the mask body to its exterior without having to pass through the filtration layer, the exhalation valve comprising: a valve seat that comprises: a seal surface; and an orifice that is circumscribed by the seal surface;

Art Unit: 3743

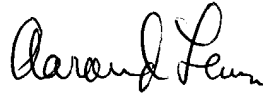
and a single flexible flap that has one fixed portion and one free portion and a circumferential edge, the circumferential edge having a first segment that is associated with the one fixed portion of the flap so as to remain at rest during an exhalation and having a second segment that is associated with the one free portion of the flexible flap so as to be lifted away from the seal surface during an exhalation, the second segment of the circumferential edge also being located below the first segment when the filtering face mask is worn on a person, the flexible flap being mounted to the valve seat such that the one free portion of the flap is pressed towards the seal surface in an abutting relationship with it when a fluid is not passing through the orifice.—

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AARON J. LEWIS whose telephone number is (703) 308-0716. The examiner can normally be reached on 9:30AM-6:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HENRY A. BENNETT can be reached on (703) 308-0101. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3743

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


AARON J. LEWIS
Primary Examiner
Art Unit 3743

Aaron J. Lewis
October 19, 2004